

REMARKS

Support For Amended Claims

Applicants have amended certain claims. Independent claims 14, 26 and 34 have been amended to specify that the fluorescent nanoparticle is conjugated to a ligand. Claims 17, 32 and 37 have been amended to reflect the amendments to the corresponding independent claims. Entry of the amendments is respectfully requested.

This application is a continuation-in-part application based on co-pending non-provisional U.S. Patent Application No. 10/306,614 filed November 26, 2002, the disclosure of which is incorporated by reference. The specification of U.S. Patent Application No. 10/306,614 is replete with support for the claims, as currently presented. Support for the limitations reciting a ligand may be found at least at paragraphs [0038], [0045], [0047], [0053], [0125] and [0126].

Response to Election Requirement

The Examiner has required the election of a single species for each of the following:

- a. A single specific "fluorescent nanoparticle", including a specific "fluorescent organic dye", a specific "organo-silane compound", etc.
- b. A single specific "ligand".
- c. A single specific "mercapto group".

Applicants hereby elect the following species:

- a. Fluorescent organic dye: Alexa Fluor® 488 C₅ Maleimide;
organo-silane compound: 3-mercaptopropyltriethoxysilane (MPTS).
- b. Ligand: immunoglobulin E (IgE).
- c. Mercapto group: 3-mercaptopropyltriethoxysilane (MPTS).

The specification of U.S. Patent Application No. 10/306,614 is replete with support for the above-elected species.

a. Support for the fluorescent organic dye Alexa Fluor® 488 C₅ Maleimide may be found at least at paragraphs [0133] and [0145]. Support for the organo-silane compound 3-mercaptopropyltriethoxysilane (MPTS) may be found at least at paragraphs [0133] and [0145].

b. Support for the ligand immunoglobulin E (IgE) may be found at least at paragraphs [0059], [0150], [0159], [0160] and [0161].

c. Support for the mercapto group 3-mercaptopropyltriethoxysilane (MPTS) may be found at least at paragraphs [0133] and [0145].

Applicants respectfully submit that the word “Maleimide” was inadvertently misspelled as “Meleimide” in the originally filed specification. A subsequent amendment to the specification will be filed to correct this inadvertent misspelling.

Applicants hereby submit that the claims readable on the elected species are generic claim 26 and dependent claims 27 - 33.

CONCLUSION

Given the foregoing, Applicants respectfully submit that all pending claims are in condition for allowance. Favorable action is earnestly solicited.

Applicants believe no additional fees are due. However, the Commissioner is hereby authorized to deduct any fees due from Deposit Account No. 01-3050 if there is a deficiency.

Respectfully submitted,
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